

## KIRKLAND & ELLIS LLP

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August 27, 2021

### VIA ECF

The Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, New York 10007

Re: *TransPerfect Global, Inc. v. Lionbridge Technologies, Inc., et al.*,  
Case No. 1:19-cv-3283-DLC

Dear Judge Cote:

Pursuant to the Stipulation and Order Re: Summary Judgment Schedule (ECF No. 192), Defendants respectfully request authorization to file in redacted form the following documents submitted under seal on August 20th: the Reply Memorandum of Law of Defendants Lionbridge Technologies, Inc. and H.I.G. Middle Market, LLC in Support of Their Motion for Summary Judgment Pursuant to Fed. R. Civ. P. 56 and the Appendix thereto (“Reply Memorandum of Law”) and Defendants’ Reply to Plaintiff’s Response to Defendants’ Rule 56.1 Statement (“Reply Statement,” and together, the “Redacted Documents”). Defendants additionally write regarding Plaintiff’s August 6th Letter Motion to Seal (ECF No. 217) (“August 6th Letter”), which included a challenge to thirty of Defendants’ documents designated “Confidential” or “Highly Confidential” pursuant to the Confidentiality Order.

**Defendants’ Request to File Redacted Versions of August 20th Filings.** The Redacted Documents contain and reflect information designated Confidential or Highly Confidential by Plaintiff, Defendants, and/or third parties (the “Parties”) under the Court’s June 3, 2020 Order Regarding Confidential Discovery Material (ECF No. 78) (the “Confidentiality Order”). For the same reasons set forth in Defendants’ July 23, 2021 Letter Motion to Seal Documents in Support of Defendants’ Motion for Summary Judgment (ECF No. 207), which Your Honor granted on July 30, 2021 (ECF No. 214) (“Redacted Briefing Order”), Defendants request authorization to file the Redacted Documents under seal as they reflect private, commercially sensitive information that outweighs the presumption of public access. (Redacted Briefing Order at 1–2.) Defendants have additionally left unredacted any portions of the Redacted Documents that were the subject of the August 13, 2021 Letter from M. Seymour to Judge Cote re Leave to File Redacted and Highlighted Documents (ECF No. 238), which the Court granted on August 23, 2021 (ECF No. 263) (“August 23 Order”).

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Pursuant to Your Honor's Individual Practices, we have enclosed full, unredacted versions of the Redacted Documents with the proposed redactions highlighted.

**Plaintiff's August 6th Letter.** Plaintiff's August 6th Letter requested to file under seal thirty of Defendants' documents designated "Confidential" or "Highly Confidential" pursuant to the Confidentiality Order, while stating that TransPerfect disputed that sealing was required as to these documents.<sup>1</sup> (August 6th Letter at 3.) Defendants continue to maintain their confidentiality designations over the documents indicated in Appendix 1 hereto. Defendants maintain that all or portions of these documents contain confidential business and marketing information such that their public disclosure would cause Defendants financial harm outweighing the presumption of public access for the same reasons set forth in Defendants' July 16, 2021 Letter Motion to Seal Exhibits (ECF No. 197), which Your Honor granted on July 30, 2021 (ECF No. 215) ("Sealing Order").<sup>2</sup> Defendants respectfully request the Court grant Plaintiff's August 6th Letter as to the documents listed on Appendix 1 and permit they be filed under seal.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Aaron Marks


Aaron Marks, P.C.

cc: All Counsel of Record (via ECF)

It is hereby ORDERED that the defendants are permitted to redact the text that defendants request be redacted, and which has been highlighted in yellow. The text highlighted in pink should not be redacted.

IT IS FURTHER ORDERED that defendants' request that the documents listed on Appendix 1 be filed under seal is granted.

Dated: August 31, 2021

  
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DENISE COTE  
United States District Judge

<sup>1</sup> Defendants had previously withdrawn its designation of one of the documents listed in the August 6th Letter. (August 6th Letter, App'x A (listing LB\_HIG\_0217248); *id.* Ex. H (withdrawing designation over same).)

<sup>2</sup> One of the documents challenged in the August 6 Letter was previously attached as Exhibit 288 to the Declaration of Aaron H. Marks in Support of Defendants' Motion for Summary Judgment (ECF No. 212) ("Marks Declaration") and is therefore sealed pursuant to the Sealing Order. (August 6th Letter, App'x A (listing LB\_HIG\_0278528); Marks Declaration ¶ 289 (attaching same).)

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**Appendix 1**

<b>Bates Stamp</b>	<b>Attached as</b>
LB_HIG_0004489	Seymour Declaration Exhibit 53
LB_HIG_0006354	Obarski Declaration Exhibit 115
LB_HIG_0202734	Seymour Declaration Exhibit 342
LB_HIG_0208671	Seymour Declaration Exhibit 276
LB_HIG_0210019	Seymour Declaration Exhibit 40
LB_HIG_0210022	Seymour Declaration Exhibit 48
LB_HIG_0211270	Seymour Declaration Exhibit 37
LB_HIG_0217217	Seymour Declaration Exhibit 55
LB_HIG_0217244	Seymour Declaration Exhibit 54
LB_HIG_0217482	Seymour Declaration Exhibit 70
LB_HIG_0227802	Seymour Declaration Exhibit 238
LB_HIG_0228206	Seymour Declaration Exhibit 58
LB_HIG_0235711	Seymour Declaration Exhibit 47
LB_HIG_0271698	Seymour Declaration Exhibit 36
LB_HIG_0276812	Seymour Declaration Exhibit 57
LB_HIG_0277205	Seymour Declaration Exhibit 68
LB_HIG_0278519	Seymour Declaration Exhibit 51
LB_HIG_0278528	Marks Declaration Exhibit 288; Seymour Declaration Exhibit 135